



A Comparative Framework for AI Regulatory Policy: Copyright and AI

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About CEIMIA

In an era of rapid development in artificial intelligence (AI), including the arrival of generative AI, governments are faced with the crucial task of effectively navigating the complexities surrounding the deployment of AI and its impact on society. It is in this context that the International Centre of Expertise in Montreal on Artificial Intelligence (CEIMIA) supports the work of the Global Partnership on Artificial Intelligence (GPAI), a multi-stakeholder initiative aiming to bridge the gap between theory and practice on delivering responsible AI. GPAI does this by supporting cutting-edge research and applied activities on AI-related priorities. Built around a shared commitment to the OECD Recommendation on AI, GPAI brings together engaged minds and expertise from science, industry, civil society, governments, international organizations and academia to foster international cooperation.

With its unique position supporting GPAI, CEIMIA mobilizes international experts and resources (from the academic, private, and civil society sectors) to promote the responsible development and use of AI for the benefit of humanity. CEIMIA is therefore acting as a key player in the responsible development of AI based on human rights, inclusion, diversity, innovation, economic growth and the well-being of society, while seeking to achieve the United Nations' sustainable development goals.

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Executive Summary

Over the past few years, the increasing deployment of generative artificial intelligence (GenAI) systems has intensified legal and policy debates surrounding the role of copyright law in regulating the use of protected works in AI training and the protectability of AI-generated content. As courts, legislators, and stakeholders worldwide attempt to address these challenges, divergent national approaches have begun to emerge—raising concerns about legal uncertainty, regulatory fragmentation, and the broader coherence of international copyright frameworks. This growing divergence not only complicates efforts to balance innovation with fairness in global AI development, but also highlights the importance of comparative legal analysis in a fast-moving field.

This report is part of CEIMIA's Comparative Framework for AI Regulatory Policy series which presents an overview of selected jurisdictions around the world in their approaches to AI policy. As the third publication in this series, this comparative framework focuses on AI and copyright challenges and concentrates on two core sub-topics: (1) the legal treatment of AI training practices involving copyrighted material, particularly in relation to potential infringement and applicable defenses and exceptions, and (2) the copyrightability of AI-generated outputs (i.e., authorship and ownership). The study includes a high-level analysis of over twenty jurisdictions, and a detailed comparison of thirteen jurisdictions: Canada, Chile, China, France, Germany, Israel, Japan, Singapore, Slovenia, South Korea, Ukraine, the United Kingdom (UK), and the United States (US). These jurisdictions were chosen for their geographical, cultural, and legal diversity, their early policy engagement, and the relevance of their copyright and AI ecosystems.

For each jurisdiction, we reviewed existing copyright legislation, AI-specific policy initiatives, case law, and regulatory commentary. We divided the legal inquiry into two main axes of analysis. First, we examined the approach to infringement to understand whether copyright-protected materials used for AI training datasets would infringe national copyright regimes, and what defences or exceptions (e.g., fair use, text and data mining) might apply. Second, we evaluated whether AI outputs

could receive copyright protection based on the national laws. Here, we focused on understanding whether works that were either wholly or partially generated by AI could be recognized or registered, and if so, how authorship and ownership were assigned. This two-part structure allowed us to map both use-side and output-side legal challenges and responses.

In the high-level comparative framework, we identified common legal trends concerning both the input and the output sides. When it comes to input, many jurisdictional systems—while still underdeveloped—take a cautious view of AI training using copyrighted content, particularly when conducted without consent or outside research contexts. However, a small number of countries, such as Japan and Singapore, have adopted or interpreted text and data mining exceptions to allow such uses under specific conditions. Some jurisdictions, notably Brazil, Ukraine, and Canada, are considering *sui generis*¹ protections or new rights structures to manage these novel legal gaps. On the other hand, on the output side, most jurisdictions do not currently allow copyright protection for AI-generated works without human involvement, reaffirming the centrality of human authorship in copyright doctrine.

In the detailed comparative analysis, we present granular findings for each jurisdiction. We assess statutory frameworks, proposed reforms, legal interpretations, lawsuits, and stakeholder commentary. Our analysis reveals that some countries (e.g., France, Germany, UK) largely align with EU principles and the AI Act, while others, like the US, rely on sector-specific interpretations and fair use. China, as a hybrid case, is developing both ethical soft law and targeted hard law, recognizing the commercial implications of AI while maintaining a top-down regulatory structure.

The report concludes with a synthesis of comparative insights, providing clarity on AI infringement and AI output, mapping international approaches to AI and copyright.

¹ *Sui generis* rights are rights that don't fall under standard legal classifications and require their own specific rules or interpretations, those are widely recognized especially within the EU regulatory framework.

| Introduction

1. Introduction

The rapid advancement and deployment of generative artificial intelligence (GenAI) have triggered legal questions across global copyright regimes. As GenAI systems increasingly generate content and rely on vast datasets—often composed of copyrighted materials—their rise has exposed critical regulatory gaps in how copyright frameworks address both the inputs used to train AI models and the outputs these systems produce. This report seeks to explore these issues, identifying emerging legal approaches around the globe.

At the heart of this inquiry lie two pressing challenges: first, the legality of using copyrighted materials as training data remains unresolved in many jurisdictions and, even in jurisdictions in which it is already regulated, the regulatory framework is fragmented across the global landscape. GenAI systems are typically trained on vast amounts of text, images, or audio—often scraped from the internet—raising questions about whether such uses constitute copyright infringement or fall within existing exceptions and limitations of copyright such as fair use or text and data mining (TDM) exemptions. This has become a point of legal and ethical tension, as such practices may undermine the control authors have over their works and potentially erode incentives for creative production (Geiger and Di Lazzaro, 2025). The EU framework includes two text and data mining exceptions—one for research purposes and another for commercial use—each of which has been implemented with varying nuances across Member States. More precisely, reference is made to TDM exceptions included in Articles 3 and 4 of the Directive (EU) 2019/790 (DSM). These exceptions cover different and important interests and are both necessary to enable a balanced legal environment for TDM activities. On one side, Article 3 ensures that research organizations and cultural heritage institutions can carry out TDM activities for research purposes without interference from contractual or technical restrictions, thus supporting public interest research. On the other hand, Article 4 complements this by allowing TDM activities to everyone, including commercial entities, unless rightsholders actively opt out—thereby fostering broader innovation and economic development (White and Bogataj Jančič, 2023). Furthermore, the relevance of Article 3 has been underscored by scholars, which also

suggested that—to grant research—said provision should be interpreted broadly and should cover all the cases in which research organizations behave lawfully, regardless of the eventual unlawfulness of the uploaded content. Indeed, in this realm, research should be given a special treatment due to its educational, scientific, social, economic, and cultural importance (Margoni, 2023). In any case, said TDM exceptions still present several issues to be addressed both at the EU and national level. For one, in Case C-250/25, pending before the Court of Justice of the European Union (CJEU), the Budapest Környéki Törvényszék Court (Hungary) referred a preliminary ruling concerning the use of protected press content by GenAI chatbots, functioning through Google Search and Google Gemini. The case, brought by Like Company (a commercial company incorporated in Hungary, which is the publisher and operator of various news portals protected by intellectual property law), raises questions under Article 15(1) of the DSM and Articles 2 and 3(2) of Directive 2001/29/EC (InfoSoc Directive), asking whether AI chatbot’s reproduction and display of parts of protected press content in response to users queries constitutes an act of communication to the public and/or reproduction under EU law. Further, it questions whether AI training based on the observation of linguistic patterns from lawfully accessible works qualifies as reproduction and, if so, whether it falls under the text and data mining (TDM) exception provided in Article 4 of DSM. The referral also questions whether a chatbot generating content (based on user prompts) that matches protected texts implies a new act of reproduction or communication on the part of the AI provider. In brief, Like Company argues that Google infringes its related rights by using substantial parts of its press publications without consent or compensation, violating Article 15 DSM. On the other hand, Google contends that the chatbot’s output are generated probabilistically, not retrieved from a database, and often include “hallucinated” content, falling outside the scope of reproduction or public communication. The Hungarian court seeks guidance on how the DSM and InfoSoc Directives apply to AI-generated output and AI training, highlighting the need to balance the rights of press publishers with fundamental rights, such as freedom of expression. Moreover, as the case concerns press publishers’ rights and not authors’ rights, it shows how complicated it gets to balance different interests at stake when TDM activities are carried out. The outcome of this case will likely have a far-reaching effect on the future application of TDM exceptions and, more broadly, on AI providers’ way of operating.

Moreover, scholars have already identified potential limitations in the applicability of these exceptions as implemented into the national systems, raising questions about their effectiveness in addressing emerging legal challenges. For one, Slovenia codified the TDM exceptions in its national framework. However, their relevance within the AI realm is weakened by the failure to expressly recognize freely available online content as “lawfully accessed,” potentially disadvantaging developers compared to other jurisdictions (Bogataj Jančič and Purkart, 2025). On the other side of the Atlantic, the question of whether (and to what extent), fair use may apply to AI training is still unsettled. To this end, scholars have expressed doubts when it comes to granting blanket immunity for GenAI training (Brauneis, 2024) and the debate on whether fair use should apply to GenAI training—also after the U.S. Copyright Office report, *Copyright and Artificial Intelligence, Part 3: Generative AI Training*—is still open.

Second, there is growing uncertainty surrounding the boundaries of copyrightability for AI output, particularly regarding the degree and nature of human contribution required for protection to apply. Courts and copyright offices increasingly reaffirm that copyright protection depends on the existence of human contribution, typically recognizing works as protectable only when a human has played a role in their creation. To this end, most scholars have indeed taken a positive approach on copyrightability of AI-assisted works under the current legislative framework (Hugenholtz and Quintais, 2021). Yet, as GenAI tools enable users to create content through prompts, debates persist about whether and when human inputs—such as drafting prompts or selecting/refining outputs—satisfy originality and authorship thresholds under copyright law (Mazzi, 2024). On the other hand, it has been noted that outputs fully generated by AI often struggle to meet the originality threshold required for copyright protection (Gaffar and Albarashdi, 2025).

In these circumstances, most jurisdictions seem to maintain a solid human authorship requirement, even though some explore whether AI-assisted creativity might give rise to new, *sui generis* forms of protection (Bulat, 2024). However, as no single jurisdiction has yet amended their laws to address or include the protection of GenAI works—even though proposals have been put forward—the issue remains

open.

In light of these developments, this report provides a comparative analysis of how selected jurisdictions are responding to the input–output copyright dilemma posed by GenAI, and highlights convergences and divergences in national approaches and evaluates proposed reforms.

The target audience for this analysis includes:

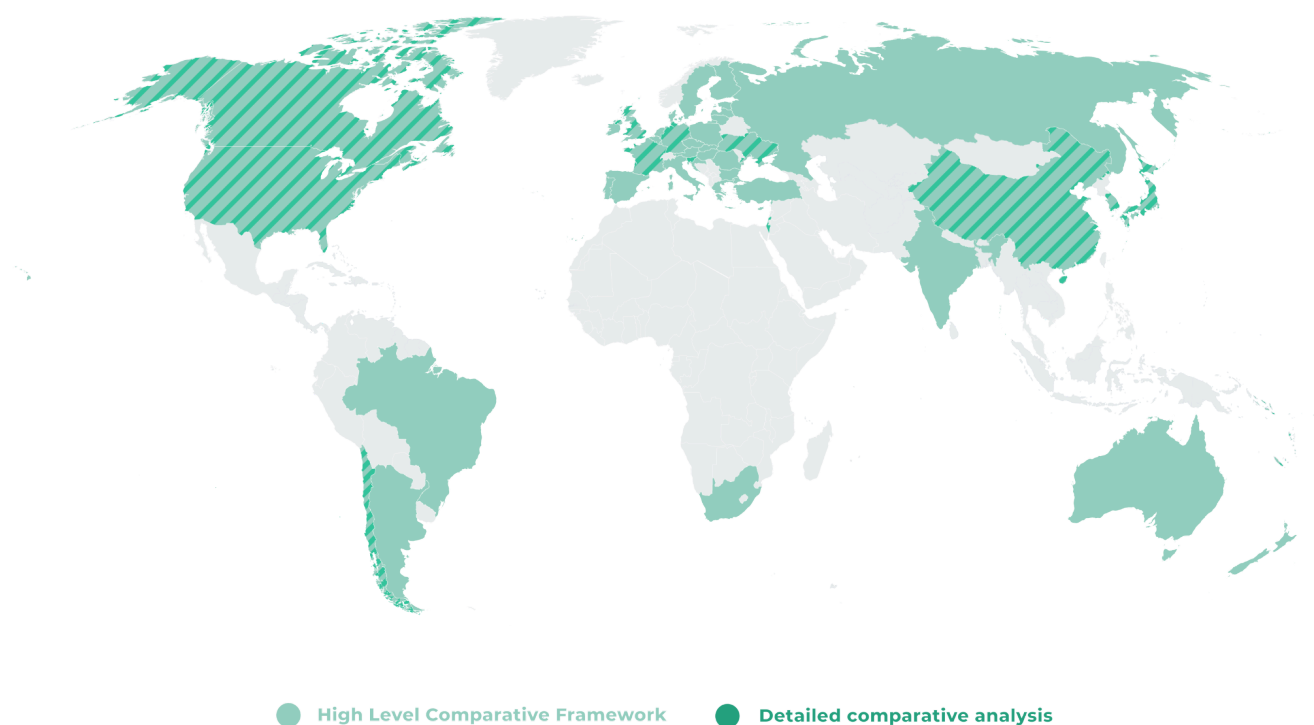
- Policymakers seeking to compare their jurisdiction with the global landscape and consider policy options;
- International and national bodies aiming to promote cooperation or alignment in copyright regimes;
- AI developers seeking to understand how to navigate and operate within a complex global landscape;
- Researchers who seek to analyze and compare different copyright approaches;
- Creators seeking to understand how varying AI regulatory approaches across jurisdictions may affect their options or approaches when their copyright protected works are used as AI training inputs.

The report is structured as follows. First, we outline the methodology we used to develop the comparative framework, including our jurisdiction–selection criteria, documentation review (such as legislation, policy initiatives, case law, regulatory commentary, stakeholder reports), and the two “axes” of legal inquiry: (i) legality of AI training involving material protected by copyright, and (ii) copyrightability of AI outputs.

Second, we present the comparative framework itself starting with a high-level comparative overview of key trends across more than twenty jurisdictions, identifying common positions (e.g., the primacy of human authorship) and notable outliers (e.g., jurisdictions with *sui generis* proposals or permissive TDM exceptions). Finally, we provide a detailed comparative analysis for thirteen jurisdictions (Canada, Chile, China, France, Germany, Israel, Japan, Singapore, Slovenia, South Korea, Ukraine, the United Kingdom, and the United States) around the two main sub-topics. A

concluding synthesis then maps these findings back onto emerging policy debates and potential pathways for regulatory convergence. The report also includes tables as annexes summarizing the main findings for quick reference and comparative purposes.

Figure 1: World Map of Selected Jurisdictions



World map of selected jurisdictions

Visual by Leonardo Studio Design, adapted for CEIMIA's AI&IP Report

| Methodology

2. Methodology

This report uses a comparative legal analysis to examine how different jurisdictions have dealt with the copyright challenges posed by GenAI. Given the rapid evolution of AI capabilities and its increasing role in the creation of content, legal systems around the world are under pressure to clarify their positions on both the copyrightability of AI-generated outputs and the use of copyrighted material in AI training. These two dimensions represent the primary sub-topics of this study and are examined separately to provide a clear framework for analysis.

The jurisdictions selected for this comparative study reflect diverse legal traditions, economic and cultural contexts, and regulatory approaches to copyright and AI. The jurisdictions selected for the high-level comparison of AI and copyright law reflect a deliberate effort to ensure global inclusivity, legal diversity, and geopolitical relevance. These 22 countries and regions were chosen to represent a balanced spectrum of civil law, common law, and mixed legal systems, offering insights into how different legal traditions respond to the evolving challenges posed by generative AI. The inclusion of major economies such as the United States, China, the European Union (with member states like France, Germany, and Slovenia), Japan, and India ensures coverage of jurisdictions at the forefront of technological innovation and global copyright discourse. Meanwhile, countries like Brazil, South Africa, Turkey, and Ukraine contribute perspectives from emerging markets and transitional economies, highlighting regional dynamics and regulatory trends. Additionally, common law jurisdictions such as Canada, Australia, New Zealand, and the United Kingdom offer contrasting approaches to copyright exceptions and authorship requirements, particularly in AI-assisted contexts. Latin American representation through Argentina and Chile, and Middle Eastern inclusion via Israel, further contribute to the comparative richness. This selection thus provides a comprehensive and representative foundation for analyzing global copyright responses to AI-generated content.

For the detailed comparative analysis, the report examines 13 jurisdictions:

- Common law jurisdictions: United States, United Kingdom, Canada

- Civil law jurisdictions: France, Germany, Slovenia, Chile, Ukraine, Japan, South Korea, China
- Hybrid or unique systems: Singapore, Israel

These jurisdictions were chosen based on one or more of the following criteria: (1) the presence of relevant case law or regulatory responses to AI and copyright, (2) participation in global AI or IP norm-setting debates, and (3) academic or policy interest in their evolving legal frameworks. In terms of scope and research questions, the research is divided into two main thematic areas:

1) AI and Infringement (Training Data Use)

This section addresses the legal implications of using copyrighted materials to train AI systems.

Key research questions include:

- What is the country's general regime for copyright infringement, and what exceptions or defenses are available?
- Does the use of copyrighted material for AI training constitute infringement, and of which specific right (e.g., reproduction, communication to the public)?
- Are there any statutory or case law exceptions applicable to training data use (e.g., fair use, fair dealing, text and data mining exceptions)?
- Are there ongoing or concluded lawsuits related to AI training and copyright infringement?
- Have stakeholders or policy bodies issued commentary or proposals on this matter?
- Are there non-IP laws (e.g., AI policies or data governance regulations) that intersect with this issue?

2) AI-Generated Output (Copyrightability)

This part explores whether and how legal systems recognize Gen AI works as protectable under copyright law.

Key research questions include:

- Does the country recognize AI as an author or co-author?
- Who is considered the rights holder for AI-generated or AI-assisted works?
- Are fully AI-generated works eligible for copyright protection, and if so, is the protection equivalent to that granted to human-authored works?
- Have there been applications or formal attempts to register AI-generated works?
- What positions have been expressed by legal scholars, industry associations, or government bodies?
- Are there any legislative or regulatory provisions specifically addressing this area?

In terms of approach, the analysis began with a macro-level review of each jurisdiction, focusing on copyright statutes, relevant AI policies, legislative proposals, and court decisions. This review was based on primary legal sources, including laws, regulations, judicial opinions, and official government documents.

The next step involved granular, thematic analysis, organized around the two main sub-topics. This phase incorporated a range of secondary sources, such as academic literature, policy papers, stakeholder reports (e.g., from copyright collectives, industry associations, or public interest groups), and comparative legal commentary.

Through this methodology, the report maps legal developments and critically assesses the various emerging copyright regimes in the age of generative AI, enabling a multidimensional comparison across jurisdictions. It identifies both convergences—such as the general hesitation to grant authorship to AI—and divergences, such as differences in interpreting whether AI training constitutes copyright infringement. As a result, this comparative framework provides a grounded basis for evaluating current legal trends and identifying possible trajectories for reform.



Comparative Framework

3. Comparative Framework

The full high-level comparative framework can be found [under Table A2 of the Annexes](#).

The comparative review of international approaches to AI and copyright reveals both notable convergences and divergences in how legal systems are beginning to address the disruptive impact of generative artificial intelligence. At a macro level, two core issues dominate the landscape: (1) the copyright-eligibility of AI-generated outputs, and (2) the legal status of using copyrighted materials in AI training datasets, particularly with respect to infringement risks and applicable exceptions. While jurisdictions vary significantly in their doctrinal orientation and legislative responses, certain patterns begin to emerge.

A key point of convergence is the continued reliance on the principle of human authorship. In the vast majority of jurisdictions examined—including Germany, France, Japan, Australia, and the United States—copyright protection is limited to works created by human authors. This is often grounded in national definitions of authorship that require originality to stem from human intellect or personality. Even in countries where legislative proposals or consultations are ongoing (e.g., Canada, the UK, and South Korea), there is considerable reluctance to extend authorship or ownership rights to AI systems directly. Instead, where protection is contemplated for AI-assisted works, the tendency is to attribute rights to the human who arranged or guided the creative process. In some jurisdictions, such as China and India, courts or policymakers have begun to explore the boundaries of attribution in the context of AI-generated works; however, they continue to affirm the necessity of human creative input as a fundamental prerequisite for copyright protection.

On the infringement side, a second area of growing convergence relates to the treatment of AI training. Most jurisdictions have yet to formally determine whether the use of copyrighted works for training AI constitutes infringement, but the trend is toward increased scrutiny and legal complexity. Some legal systems—such as those in Japan and Singapore—have introduced or interpreted exceptions to permit TDM under certain conditions. These exceptions are often conditional on non-commercial

use or the absence of market harm, and they represent an attempt to reconcile the need for innovation with compensation for rights holders.

By contrast, jurisdictions like the United States and the European Union remain embroiled in legal and policy debates over whether fair use or other exceptions apply to AI training, especially where training sets are composed of massive amounts of copyrighted content scraped from the internet.

There are also notable outliers and emerging tensions. Brazil's draft AI legislation, for example, explicitly introduces a right of remuneration for copyright holders whose works are used in AI training—marking a rare attempt to create a licensing-based solution at the national level. Meanwhile, Ukraine has proposed a *sui generis* protection regime for non-original works generated by computers, suggesting a different model for categorizing and protecting AI outputs. This approach reflects a broader question: should fully synthetic works receive the same level of protection as human-created ones, or is a new category of rights required?

The macro-level analysis also highlights the limited but growing body of litigation, with lawsuits filed or ongoing in several jurisdictions such as the United States, France, India, and Germany. These cases, often initiated by publishers, artists, or authors' groups, reflect the increasing friction between copyright holders and AI developers. They serve as early indicators of the types of legal conflicts likely to proliferate as AI becomes more embedded in creative and commercial contexts.

Overall, the high-level comparative framework reveals that while most countries are cautious about extending copyright to AI-generated works, they are actively grappling with how to manage training-related infringement. The emerging policy solutions—whether through exceptions, licensing models, or *sui generis* rights—signal a growing recognition that existing IP frameworks may need significant recalibration to address the challenges posed by AI's role in the production of creative works. A more detailed jurisdiction-by-jurisdiction analysis will follow, clarifying how these trends play out in specific legal systems and regulatory environments.



Detailed Comparative Analysis

4. Detailed Comparative Analysis

This section provides a brief overview of the jurisdictions selected for the detailed comparative analysis of AI and copyright. These jurisdictions were chosen for their diverse legal traditions, varying levels of regulatory maturity, and active engagement with either AI governance or copyright reform. The comparative analysis is organized around two key sub-topics: (1) the copyrightability of AI-generated outputs, and (2) the use of copyrighted material for training AI systems. The following sections will analyse each topic in detail. Here, we present a high-level snapshot of how selected jurisdictions have been approaching these legal challenges. A list of sources consulted, organised by country, can be found [under Table A1 of the Annexes](#).

Canada has adopted a proactive stance, launching public consultations on both the copyrightability of AI-generated works and the potential need for legislative reform. The previously proposed *Artificial Intelligence and Data Act (AIDA)*, combined with existing copyright law, signals Canada's intention to develop a balanced framework that encourages innovation while preserving creators' rights.

Chile is among the few Latin American countries with a draft AI bill that directly addresses TDM, introducing exceptions for non-commercial uses. While copyright protection for AI-generated outputs remains undefined, Chile's integration of AI and copyright within broader digital policy signals a forward-looking approach.

China has seen regional courts (e.g., in Shenzhen) recognize copyright protection for AI-generated content under certain conditions, though national doctrine still requires human intellectual input. Simultaneously, China is in the process of developing both soft law ethical guidelines and targeted regulatory measures for specific AI applications, reflecting a dual-track model of governance.

The **European Union**, through member states such as France, Germany, and Slovenia, has introduced relevant TDM exceptions in its *Directive on Copyright in the Digital Single Market (CDSM)*. These are variably implemented at the national level. Currently, no EU member state currently recognizes AI as an author, legal debates are ongoing, and the Parliament released a report with recommendations to the

Commission on Civil Law Rules on Robotics in 2017 considering the hypothesis of recognizing legal personhood to AI (DELVAUX, no date). In the meanwhile, the *AI Act* (that will be fully applicable in 2026) interacts with copyright doctrine.

Israel adopts a relatively permissive interpretation of fair use, indicating that AI training using copyrighted material may be lawful under existing rules. However, the country does not currently recognize AI-generated content as copyrightable, aligning with the dominant global view that authorship requires human agency.

Japan has taken one of the most sophisticated legislative steps by formalizing a broad TDM exception under Article 30-4 of its *Copyright Act*, explicitly enabling AI training for certain uses. While AI-generated works are not independently protectable under Japanese law, copyright may apply to hybrid works with demonstrable human creative input.

Singapore has introduced a computational data analysis exception that may allow the use of copyrighted materials for machine learning, provided specific criteria are met. AI-generated works are not recognized for copyright protection unless a human contributes creatively to the outcome, echoing the “human-plus-AI” model.

South Korea has explicitly stated that works created entirely by AI without human input are not eligible for copyright protection. The country continues to explore governance mechanisms through its national AI strategy, though AI-specific copyright provisions remain limited.

Ukraine has proposed *sui generis* rights for AI-generated content and allows narrow TDM exceptions, limited to scientific publications. These proposals suggest an interest in developing a distinct regulatory regime for AI outputs while still aligning with broader EU digital policy trends.

The **United Kingdom** is currently revisiting its copyright framework through public consultations. While AI-generated works are addressed under Section 9(3) of the *Copyright, Designs and Patents Act*, the government is considering whether to retain, revise, or repeal this provision. The UK has also floated the possibility of an opt-out mechanism for rights holders whose works are used in AI training.

The **United States** has taken a case-by-case approach to AI and copyright, with the *U.S. Copyright Office* denying registration to fully AI-generated works while allowing

protection for human-AI collaborations. Legal uncertainty remains around AI training, with multiple lawsuits currently testing the boundaries of permissible use under US law, but the recent report of the US Copyright Office emphasises that commerciality weighs against fair use but does not categorically bar it; the traditional four-factor, case-by-case analysis still applies.

This jurisdictional overview sets the stage for the following sections, which offer a more granular comparison of how each country addresses (1) AI-related copyright infringement through training data use and (2) the copyrightability of AI-generated content.

4.1. Approach to AI Infringement

The comparative framework on AI infringement can be found [under Table A3 of the Annexes](#).

Based on the analysis, we can observe significant divergence across jurisdictions in their treatment of copyright and AI training, particularly in relation to TDM exceptions, rights-holder control, and regulatory intent. The comparative analysis reveals emerging patterns of legal design—ranging from permissive, innovation-oriented regimes to more restrictive, rights-holder-dominant frameworks—and offers insight into each jurisdiction’s broader policy orientation toward generative AI.

In the United States, the copyright and AI-training framework is grounded in the long-standing, flexible fair-use doctrine—articulated in Supreme Court precedent such as *Campbell v. Acuff-Rose Music*—whose precise application to large-scale model-training is still being tested in the courts. This case-by-case model requires courts to balance multiple factors, including the purpose and character of the use, the nature of the copyrighted work, the amount used, and the impact on the market. The US has no statutory exception specific to AI training, and while the notion of “transformative use” offers some protection for developers, legal ambiguity remains high. Recent lawsuits and policy debates reveal the contentious nature of the issue, with courts and regulators still evaluating how copyright norms apply in a machine learning context. However, as clarified in the May 2025 US Copyright Office report, *Copyright and Artificial Intelligence, Part 3: Generative AI Training*, significant ambiguity persists regarding whether the ingestion of copyrighted content for training purposes qualifies as fair use or constitutes infringement. The report outlines

how common AI development practices—such as copying for training, storing outputs, and embedding protected content in outputs—can potentially implicate exclusive rights, though no definitive legal precedent has yet emerged. The Office provides a detailed framework for analyzing fair use in the AI context, noting that commercial use, lack of transformation, and market harm are pivotal concerns. While the Copyright Office does not endorse a specific policy solution, it explores possible licensing models, including voluntary collective licensing, statutory licensing regimes, and opt-out mechanisms. It highlights the legal and ethical risks posed by opaque data sources, such as scraped internet content and pirate libraries, and calls for transparency and balanced policy development. Ultimately, the US approach remains highly flexible and innovation-friendly in theory, but not yet tested in the context of large-scale AI training, leaving key questions pending before the courts. The Copyright Office positions itself as a neutral guide, encouraging further input from courts, Congress, and the public to shape a more definitive national stance in this evolving domain.

In contrast, the EU has developed a more structured and statutory approach through its Copyright in the Digital Single Market (CDSM) Directive. Articles 3 and 4 of the Directive mandate TDM exceptions for research institutions and cultural heritage bodies while also permitting commercial TDM under a general exception, provided rights holders have not opted out. However, this opt-out provision significantly limits the scope and utility of the exception. Administrative and compliance burdens—particularly those related to transparency obligations under the forthcoming AI Act—further complicate implementation. Member States have interpreted these provisions with some variance. For instance, Germany has fully implemented both scientific and general TDM exceptions under Sections 60d(1) and 44b(1) of the German Copyright Act, although questions remain about the legal clarity and enforceability of opt-out mechanisms.

Germany's copyright regime, established under the *Act on Copyright and Related Rights (UrhG)*, is rooted in a civil law framework and provides both civil and criminal sanctions for infringement. Specific provisions govern the use of copyrighted content for AI training purposes. Most notably, Sections 44b and 60d UrhG introduce clear exceptions for TDM, including for scientific research, while Section 69d(4) explicitly authorizes the use of computer programs for TDM when aligned with Section 44b.

This reflects a relatively permissive stance on AI training when such activity falls within these delineated exceptions. However, when such training exceeds these boundaries—such as in purely commercial, unlicensed contexts—it may constitute copyright infringement, as evidenced by recent lawsuits. For instance, GEMA² filed a lawsuit against OpenAI alleging infringement through unauthorized music use in training data (GEMA, 2024), and photographer Robert Kneschke sued LAION e.V. for using copyrighted images in a training dataset without consent (WIPO, 2024). These cases underline growing legal scrutiny of AI training practices in Germany and suggest an evolving litigation landscape around data usage and copyright.

France, as a civil law jurisdiction, regulates copyright through the Law of 11 March 1957 and the Law of 3 July 1985, codified in the *French Intellectual Property Code*. The use of copyrighted material for AI training can qualify as infringement unless it falls under the EU's TDM exceptions. France has transposed these provisions, which are limited and allow rights holders to opt out. This broad opt-out ability has led to concerns about the meaningfulness of the general-purpose exception, especially for commercial AI training. Stakeholders, including the French music collecting society SACEM, have notably exercised opt-outs, limiting the applicability of TDM in certain contexts ([Kluwer, 2024](#)). A notable lawsuit has been brought against Meta by French publishers and authors, alleging unauthorized use of copyrighted content for training AI systems ([Reuters, 2025](#)), highlighting legal friction and the active enforcement of copyright protections in the AI context.

In Slovenia, copyright infringement is governed by its national copyright law within a civil law framework, with both civil and criminal sanctions available. The country has implemented TDM exceptions under Articles 57a and 57b of the Copyright Act, aligning with the EU Directive on Copyright in the Digital Single Market. These provisions permit TDM under specific conditions, making the use of copyrighted material for AI training non-infringing if within those limits. As confirmed in scholarly commentary, this creates a more permissive environment for AI training with copyrighted works, though Slovenia maintains a closed list system for copyright exceptions (Bogataj, 2024). Slovenia stands out for its explicit codification of TDM exceptions under Articles 57a and 57b of its Copyright Act, with provisions that even

² GEMA is a collective management organisation.

require authors to grant access to training datasets within a specific timeframe. However, their implementation is weakened by a failure to expressly recognize freely available online content as “lawfully accessed,” potentially disadvantageous to developers compared to other EU jurisdictions.

Japan, a civil law country, has established one of the most permissive legal environments globally for TDM, which includes exceptions for AI training. Article 30-4 of the Japanese Copyright Act allows the use of copyrighted materials for non-enjoyment purposes, including TDM, without the need for rights holder’s permission or compensation (de la Durantaye, 2025). This broad exception has been praised as the most expansive globally (Thongmeensuk, 2024) and explicitly permits AI training, provided the output is not directly consumed by humans for enjoyment. As such, AI developers are not considered to infringe copyright when using protected works for training purposes under this law. While there have been no lawsuits yet in Japan over AI training, concerns have been raised that this liberal exception may create loopholes exploitable by international developers looking to avoid stricter jurisdictions (Rättzén, 2025). The absence of an opt-out mechanism for rights holders makes this exception significantly more developer-friendly than its European counterparts. Japan’s approach focuses on the importance of enabling machine learning while maintaining limited interference from rights holders.

China also exhibits a flexible approach, albeit through judicial interpretation and evolving legislative guidance rather than a comprehensive statutory framework. In China, the legal regime governing AI and copyright infringement is particularly stringent, reflecting a civil law tradition combined with a rigid statutory framework. The Chinese Copyright Act provides a closed list of exceptions and limitations, codified in Article 24, none of which currently authorize TDM or the use of protected works for AI training purposes (McCann, 2023). As such, unless authorized by contract or license, the use of copyrighted materials in AI training constitutes *prima facie* infringement. Notably, major Chinese companies like Baidu and Zhipu AI have developed generative models using extensive training data, including user-generated content, which raises significant legal uncertainties about compliance. The Cyberspace Administration of China’s “Interim Measures for Generative Artificial Intelligence Services” (August 2023) further clarify that providers are responsible for ensuring their training data do not infringe IP rights, imposing a

due diligence requirement that excludes broad web-scraped datasets like Common Crawl unless licensed. These rules place accountability upstream, on dataset providers, and mandate detailed record-keeping, licensing documentation, and risk assessments. AI companies must also appoint an IPR officer and maintain a rights-holder complaint system (Interim Measures, 2023). Further tightening this regime, the “Basic Safety Requirements for Generative Artificial Intelligence Services” (February 2024) introduces transparency obligations analogous to Article 53 of the EU AI Act, requiring providers to disclose summary information about the IP status of training corpora and respond to third-party inquiries. Together, these layered requirements make China’s approach one of the most legally prescriptive globally, based on strict compliance, transparency, and corporate accountability in AI training practices.

Israel operates under a mixed legal system, predominantly based on common law principles with civil law influences. Its copyright regime does not include a specific exception for TDM, yet the government has proactively sought to clarify legal uncertainties around AI training. Notably, the Israeli Ministry of Justice issued a non-binding legal opinion stating that the use of copyrighted materials to train machine learning models generally falls under the fair use doctrine—so long as it is not intended to compete directly with a single author using their own style or works (Buick, 2025). This opinion provides some legal certainty for AI developers, particularly startups, although judicial interpretation is still lacking and future litigation may shape its boundaries (McCann, 2023). Fair use in Israel, like in the US, is open-ended and depends on factors such as purpose, character, market impact, and the nature of the original work. However, while training may be covered, the outputs of generative AI that closely resemble human-authored works could still result in liability for infringement.

In Chile, copyright infringement is governed by Law No. 17,336 on Intellectual Property, a statute that provides both civil and criminal sanctions and operates within the framework of a civil law system. The law includes a closed list of limitations and exceptions under Articles 71 and following, covering purposes such as education, public interest, and technological uses. However, the current legal framework does not explicitly exempt the use of copyrighted material for AI training. Although a bill was introduced in May 2024 to amend Law No. 17,336 to permit the use of large

datasets for TDM provided the purpose is non-commercial, this proposal had not yet been enacted at the time of writing (European Commission, 2024). As such, absent a statutory exception, the act of using protected works for AI training may constitute infringement, particularly of reproduction rights. The lack of an open system of exceptions limits the application of defenses in this context. Chile's approach reflects broader regional challenges; legal scholars have noted that the absence of robust TDM exceptions in Latin America may impede the development and deployment of generative AI technologies in the region (Correa, 2024, SpringerLink). While no public lawsuits have yet addressed AI-related copyright infringement, the topic is gaining policy attention. Chile also has a national AI strategy in place, which may eventually inform more specialized legislative action in the copyright domain (OECD AI Policy Dashboard, 2021).

Singapore currently stands at an inflection point. Singapore, being a common law country, regulates copyright under the Copyright Act 2021, which provides both civil and criminal remedies for infringement (DLA Piper, n.d.). Notably, Singapore has introduced a forward-looking Computational Data Analysis (CDA) exception in Section 244 of the Act, which allows the use of copyrighted material for machine learning purposes, including AI training, provided specific conditions are met (Singapore Copyright Act 2021). This exception represents a deliberate legislative effort to support technological innovation while balancing copyright protection. Unlike some jurisdictions, Singapore also blends closed-list exceptions with a fair use standard, offering flexibility under particular conditions (SingaporeLegalAdvice, n.d.). As of now, there are no reported court cases specifically addressing AI-related copyright infringement. Although a CDA exception has been introduced, its applicability to commercial AI training remains uncertain. The country's strategy reflects a desire to support innovation while safeguarding rights holder interests—an attempt to balance both flexibility and legal certainty.

Canada similarly reflects legal ambiguity. In Canada, the question of whether the use of copyrighted material for training generative AI constitutes infringement remains unsettled but is increasingly scrutinized through legal, policy, and academic lenses. Under current law, there is no express exception allowing AI developers to use protected works for training purposes, and copying for this purpose is likely to be considered *prima facie* copyright infringement. As noted in the Statutory Review of

the Copyright Act and supported by scholars such as McCann (2023), the act of reproducing existing works to build training datasets engages exclusive rights and could infringe unless a valid exception applies. Canada's fair dealing regime under Section 29 of the *Copyright Act* is narrower than the US fair use model and operates through a two-step test: the dealing must fall under a specified purpose (e.g., research, education, parody), and it must be assessed for fairness based on six non-exhaustive factors, such as purpose, character, and effect on the market. While the Supreme Court of Canada has emphasized a "large and liberal" interpretation of fair dealing, particularly to protect user rights, it remains unclear whether AI training for commercial purposes would meet the threshold of fairness.

Section 30.71 of the *Copyright Act* does provide a narrow exception for transient copies made as part of technological processes, similar to Article 5(1) of the EU InfoSoc Directive, but this does not extend to storing or processing data in training phases. Moreover, while Section 64 provides non-infringement for copying utilitarian features of physical articles, it is unlikely to apply to neural network weights or digital outputs. *AIDA* did not include a copyright training exception, and there are no existing legislative obligations for transparency in training datasets. Although no major lawsuits have yet been litigated in Canada specifically on AI-related copyright infringement, ongoing consultations and stakeholder reports (e.g., *What We Heard*, 2025) suggest that the legal environment is primed for further clarification. Overall, Canada's approach reflects a cautious balance between upholding rights-holder interests and enabling technological innovation, with fair dealing as the primary—yet contested—legal defense available.

South Korea's copyright regime is governed by the *Copyright Act of 1957* and reflects a civil law framework, incorporating both civil and criminal penalties for infringement. Notably, South Korea maintains a dual system that includes both a closed list of statutory exceptions and a fair use clause, a relatively rare feature in civil law jurisdictions. This hybrid approach allows for some flexibility in handling new technological challenges such as AI. Whether the use of copyrighted material for AI training constitutes infringement remains a debated issue. While South Korea has not yet enacted a dedicated TDM exception, a bill was introduced but not passed as of early 2024. Consequently, AI training could potentially qualify as fair use under current laws depending on the context and purpose of the use (CCIA, 2024). Ongoing

legislative discussions and legal scholarship indicate a growing awareness of the need for clearer guidance in this area (AIRE, 2024).

In Ukraine, copyright infringement is governed by the Law No. 2811-IX on Copyright and Related Rights, within a civil law system that enforces both civil and criminal penalties for violations. The country has implemented a narrow TDM exception under Article 22(2)(14), which allows copying only from legitimate sources for purposes of searching within scientific publications for research, not for broader computational analysis such as AI training. This exception, modeled after the EU DSM Directive, requires that rightsholders do not have opted out via machine-readable means (InfoJustice, 2023). Ukraine maintains a closed list of exceptions and defenses, limiting the flexibility to apply broader fair use-type justifications to AI training activities (VKP Law, 2022).

Finally, the United Kingdom has seen high-profile debates about its TDM framework, particularly around the controversial proposal to extend TDM exceptions to commercial AI development. In the UK, copyright infringement is governed by the *Copyright, Designs and Patents Act 1988 (CDPA)*, with a closed list of exceptions. Section 29A of the CDPA introduced a specific TDM exception for non-commercial research, allowing use of copyrighted works if access is lawful and without permitting opt-outs by rights holders. However, commercial use—including AI training—remains under full control of rights holders. The UK Intellectual Property Office (IPO) proposed extending the TDM exception to commercial uses to foster innovation, however, backlash from the creative industry and the House of Lords led to the withdrawal of the proposal in early 2023 (McCann, 2023). The current framework thus leaves AI developers dependent on licensing for training data unless fair dealing can be argued, which remains legally uncertain. The UK's regulatory stance, while open to reform, presently prioritizes the preservation of copyright entitlements over liberalizing AI training rules. At the same time, the UK vision is to become a leader in AI, and to eliminate administrative obstacles to attract AI companies, therefore potential reforms and regulatory changes in relation to copyright might be influenced as a result.

Collectively, this comparative analysis shows a clear divide: jurisdictions like Japan and, to some extent, the United States and China offer broad, innovation-oriented frameworks with limited rights-holder control, whereas the EU, UK, and increasingly

Canada ground their approaches in regulatory structure and authorship integrity, often limiting exceptions through opt-outs or legal ambiguity. These differences carry significant implications for international cooperation, market attractivity, regulatory interoperability, and the future design of copyright systems in the AI age. The analysis sets the stage for a deeper investigation into how each jurisdiction addresses the second core sub-topic—authorship, ownership, and protection of AI-generated outputs—which follows in the next section.

4.2. Approach to AI Authorship and Ownership

The comparative framework on approaches to AI authorship and ownership can be found [under Table A4 in the Annexes](#).

The comparative analysis of national approaches to copyrightability, authorship, and ownership of AI-generated works reveals a broad consensus that human involvement remains a necessary condition for copyright protection. However, jurisdictions differ significantly in how they interpret the threshold of human contribution, the degree of creative input required—such as prompting, selection, or editing—and whether they are adapting existing copyright doctrines or developing sui generis frameworks to address the challenges posed by AI-assisted creativity.

The United States has taken a clear stance that only human-authored elements are eligible for copyright protection (*Naruto vs Slater*). This principle is grounded in longstanding judicial precedent and institutional interpretation, including recent guidance from the U.S. Copyright Office and judicial decisions such as *Thaler v. Perlmutter*. The Copyright Office requires demonstrable human authorship for copyright registration and explicitly rejects protection for works created entirely by generative AI systems. U.S. doctrine reflects a firm commitment to traditional authorship principles, with courts and agencies reinforcing a strict anthropocentric interpretation of creativity. The January 2025 report by the U.S. Copyright Office (USCO) offers a comprehensive and authoritative overview of the United States' position on the copyrightability of works created with the help of generative AI. At the heart of the report lies a reaffirmation of a fundamental principle: U.S. copyright law requires human authorship. This means that works entirely generated by AI, with no meaningful human creative input, are not eligible for protection. The USCO clarifies that while fully autonomous AI outputs are excluded, AI-assisted works may still

qualify for copyright if the human contributor provides sufficient original expression. The report outlines several key criteria for determining copyrightability, in order to maintain the role of human control over the selection, arrangement, editing, or shaping of AI-generated content central to copyright law. For instance, simply entering prompts into tools like Midjourney or DALL-E and accepting the outputs does not meet the threshold for authorship. However, if a user curates, combines, or significantly modifies AI outputs, their creative input may render the final product eligible for protection—though only the human-authored components will be registered.

Practically, this approach introduces new procedural requirements for copyright protection: applicants must disclose the role of AI in the creation of submitted works and clearly identify the human-created elements. This ensures transparency and prevents claims over purely machine-generated material. The report also addresses broader legal questions, stating that no legislative reform is currently needed and rejecting the introduction of *sui generis* rights for AI-generated works. Instead, the USCO endorses a case-by-case review model using existing copyright frameworks, which it views as adaptable to technological developments. Through examples—ranging from unprotected AI-generated poems accepted without modification to protected composite artworks shaped through significant human input—the report draws a clear line between mere use of AI tools and genuine human authorship.

By contrast, China takes a more nuanced and adaptive view, focusing on whether the user's interaction with the AI system meets a threshold of intellectual contribution. While human authorship is still presumed as a baseline, courts such as the Beijing Internet Court have recognized copyright protection for AI-generated images where the user demonstrated substantial involvement—such as crafting over 150 prompts and iteratively refining the output. China's institutional perspective embraces a broader concept of creativity, where user involvement in shaping AI outputs through prompting, selection, and curation may be interpreted as authorship. In *Shenzhen Tencent v. Shanghai Yingxun* (2024), the court explicitly stated that content generated by intelligent software cannot override the foundational tenets of copyright law, including the necessity of a natural person author. However, courts have demonstrated openness to protecting AI-assisted works where substantial human involvement is evident. For instance, in *Feilin v. Baidu*,

the Beijing Internet Court upheld copyright in a report where AI-generated components were significantly modified and analyzed by human staff, demonstrating originality and human creativity (Zhuk, 2024). Similarly, in *Li Yunkai v. Liu Yuanchun*, the court recognized authorship and granted copyright to the AI tool user who provided detailed prompts and iterative refinement, reinforcing the role of human aesthetic judgment in establishing originality.

These rulings show that in China, copyright ownership generally lies with the user of the AI system rather than the developer, unless a prior agreement specifies otherwise (Zhuk, 2024). This position was also upheld in the *Tencent v. Yingxun* case, where Tencent, as both the developer and user, was easily attributed authorship. Importantly, Chinese courts apply a four-factor test to assess the eligibility of AI-assisted content as “works”: domain (literature, art, science), originality, fixation, and intellectual contribution. While the Copyright Law of the People’s Republic of China does not explicitly mention AI-generated works, recent case law effectively frames AI as a tool enabling human creativity, rather than a source of independent authorship (*Copyright Protection for AI generated works – Recent Developments*, n.d.). This evolving jurisprudence reflects China’s commitment to a human-centric copyright framework, while pragmatically accommodating technological advances in content creation.

Japan’s Copyright Act defines a protectable work as a creative expression of “human thoughts and emotions” (Art. 2(1)(i)), thereby excluding fully autonomous AI-generated works from copyright protection under current law (Grasser, 2024). However, the law may accommodate AI-assisted creations when significant human input is involved. Its framework, informed by administrative guidance from the Agency for Cultural Affairs, applies a four-factor test to assess human contribution: (1) the quality and specificity of input prompts, (2) the number of attempts, (3) the user’s selection from outputs, and (4) post-generation modifications. While not yet legislated, the idea of “work made for hire” in civil law form is under consideration, and the “Strategic Headquarters Report” continues to guide policy by focusing on AI as a pillar of national industrial strategy (Takeuchi, 2024).

In Canada, the copyright framework does not currently recognize AI as an author or co-author, as authorship is conceptually and legally reserved for humans. This is rooted in long-standing jurisprudence and reinforced by the Supreme Court’s

definition of originality in cases like *CCH Canadian Ltd. v. Law Society of Upper Canada*, where copyright requires an exercise of skill and judgment that is not purely mechanical (CCH, 2004). As outlined by Jonnaert (2020), Canadian law presumes that a work must emanate from a human, reflecting personality, intention, and conscious control over the creative process. Consequently, fully AI-generated works fall outside the scope of copyright protection, though complex human-AI collaborations may be considered protected if the human demonstrates control, intention, or creative intervention. In such cases, authorship and ownership may be attributed to the human who arranges for the creation, though the boundaries remain unclear and lack legislative specificity (Jonnaert, 2020; Aziz, 2023).

In *CIPPIC v. Sahni*, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic has asked the Federal Court of Canada to either amend or expunge the copyright registration for an image titled *Suryast*, because of attribution of authorship to AI. The case centres on whether *Suryast*—an image generated using the RAGHAV AI Painting App—qualifies for copyright protection. Ankit Sahni, an IP lawyer from New Delhi, claims co-authorship with the AI, stating that the image is an adaptation of his original sunset photograph, transformed by the AI in the style of van Gogh's *The Starry Night*. The dispute raised critical concerns from CIPPIC about the issues of authorship and originality, and the broader impact of the case would be considerable. Stakeholder feedback collected in the federal consultation report, *Copyright in the Age of Generative Artificial Intelligence* (2025), reflects a divided landscape. While some participants argue that sufficiently complex human prompts and arrangements could justify copyright attribution to users, others—particularly from the cultural industries—insist that AI-generated elements should be excluded from protection unless clearly human-authored. Proposals include disclosure obligations during registration to separate AI-generated content from human-authored content, echoing recent U.S. practice. A few voices supported the idea of a new legal regime tailored to AI-generated content, but no consensus has emerged on its design.

While no current statutory framework specifically governs the copyrightability of AI outputs, discussions are ongoing and legislative proposals are pending about whether legislative changes are needed. There is also a growing sensitivity to cultural implications, with Indigenous stakeholders expressing concerns over the

unauthorized generation of content in Indigenous styles, alongside hopes for AI to support cultural revitalization and economic reconciliation (Consultation Report, 2025).

In France, the legal tradition of strong moral rights and human-centric authorship prevails. While copyright can be granted to works generated with AI assistance, the human author must express their personality in the work. There is no protection for purely machine-generated content. A bill has been proposed to address AI and copyright more directly, but the foundational assumption remains that only natural persons can be authors. Although French courts have accepted protection for works reflecting human instruction and aesthetic input, purely AI-generated works without human involvement are not eligible for copyright protection. Ownership is thus assigned to a natural person when human intervention is demonstrated. While there is interest in legislating this space, such as a proposed bill introduced in September 2023 to regulate AI's intersection with copyright (Dreyfus, 2024), this has not yet been enacted. There are currently no formal applications or recognized protections for fully AI-generated works, although AI-assisted works may still qualify if human originality is clearly evidenced.

Similarly, Germany and Slovenia—aligned with broader EU copyright doctrine—require a human author to claim copyright. Both jurisdictions firmly maintain that only works created by human authors can be protected under its legal framework, consistent with the European Court of Justice's position in the *Cofemel* case (C-683/17). As such, fully AI-generated works that lack human intellectual input are not eligible for protection. However, if a human meaningfully contributes to the creative process—such as by designing prompts, refining outputs, or guiding the generation process—the resulting work may receive protection, with rights vesting in the human contributor. This distinction is crucial in separating AI-assisted creations from autonomous machine outputs. To date, there is no indication of legislative movement toward recognizing AI as an author or extending protection to works generated entirely by AI. Legal discussions, including those found in the Slovenian Intellectual Property Institute's resources, stress that works must exhibit human authorship to meet the originality requirement. Thus, AI-assisted creations may be protected only to the extent of identifiable human input (Bogataj, 2024). Moreover, while there have been notable cases related to AI training, there are no recorded

instances of applications seeking copyright for AI-generated works, reinforcing the prevailing human-centric paradigm in European (and, specifically, French, German, and Slovenian) copyright law.

Singapore does not recognize AI as an author or co-author for copyright purposes. The current legal framework maintains that copyrightable works must involve human authorship and creativity (B. Sep, 2023). As such, fully autonomous AI-generated works are not eligible for protection under Singaporean copyright law (Ko, 2023). Conversely, AI-assisted works that demonstrate meaningful human contribution may qualify for protection and are treated similarly to traditional copyrighted works. While no legislative proposals have yet been introduced specifically addressing AI output, Singapore has shown strategic interest in AI through its National AI Strategy led by the Smart Nation and Digital Government Office and the National AI Office, reflecting a broader policy commitment to fostering AI development.

On the issue of AI-generated outputs, South Korea follows a traditional human-centric approach to copyright. The Ministry of Culture, Sports and Tourism has explicitly stated that content created solely by AI will not be granted copyright registration. This confirms that copyright protection is contingent on human authorship. While works assisted by AI can be protected, humans must contribute significantly to the creative process for the output to qualify as protected work. Industry comments and academic responses affirm that while AI-assisted creations are acceptable, fully autonomous AI-generated outputs fall outside the scope of copyright protection under current law (CCIA, 2024). South Korea's stance is consistent with its broader policy orientation as outlined in its National AI Strategy, which affirms the importance of human oversight and responsibility in AI development (OECD AI Strategy, 2019).

The Israeli Copyright Act does not explicitly regulate the copyrightability of AI-generated works, and to date, the judiciary has not addressed the issue directly. However, precedent suggests that only human-authored works are protected. A 2023 decision by the former Israeli Commissioner of Patents (currently under appeal) stated that AI-generated inventions cannot be patented since inventors must be human—an approach likely to be extended to copyright law (Group, n.d.). Consequently, fully autonomous AI-generated works likely fall outside copyright

protection in Israel. In the case of AI-assisted works, ownership is presumed to reside with the individual who undertook the necessary creative steps, although this principle is not codified and remains under-defined in case law. There is no formal registration system for copyright in Israel, further evidencing the role of courts in determining authorship and ownership on a case-by-case basis.

In Chile, the current copyright framework does not recognize AI as an author or co-author, nor does it provide protection for works generated solely by AI. Ownership of copyrightable works is assigned exclusively to natural persons, and there is no indication in law or case law that AI-generated content qualifies for protection under existing statutes. This position was reinforced in a notable case where the Chilean copyright office rejected the registration of a series of AI-generated photographs created with the tool Midjourney, titled “39,000,” confirming that such works did not meet the criteria for copyright protection under national law (EU IP Helpdesk, 2023). While Chile does not explicitly address AI-assisted inventions in its legislation, there is no evidence to suggest that such works are treated differently from traditional works if sufficient human input can be demonstrated. No legislative framework currently governs the ownership or protection of AI-generated content, and no official cases have been recorded granting protection in this domain. Furthermore, although Chilean stakeholders have participated in broader discussions around AI and copyright—such as trade groups criticizing the unauthorized use of protected content by companies like Meta (Euronews, 2025)—there remains no formal recognition of AI-generated authorship or output in Chile’s legal system. The lack of statutory clarity reflects the country’s cautious approach to copyright in the age of AI, despite an active national AI strategy which may influence future developments.

Ukraine represents a notable exception, having proposed a *sui generis* right for non-original AI-generated content. This approach acknowledges that some AI-generated outputs may not meet the standard of originality required for traditional copyright protection, yet still merit a distinct form of legal recognition. These rights vest in the rightful owner or licensee of the software used, as per Article 33(2) of the Ukrainian Copyright Law (Orekhov, 2024). For AI-assisted works created with human involvement, standard copyright protection applies to the human author. Notably, the Ukrainian IP Office has registered such AI-generated works under this framework, demonstrating a recognition of these new creative forms within the

existing legal infrastructure (IPKat, 2024). Scholars highlight Ukraine's innovative dual-track approach that both respects traditional authorship and introduces new protections tailored to AI outputs (Kotsiuk, 2024). This model, which separates human-authored and machine-generated works into different legal categories, reflects an effort to bridge the normative gap between authorship-based rights and the realities of autonomous content production.

In the United Kingdom, Section 9(3) of the *Copyright, Designs and Patents Act (CDPA)* recognizes the possibility of protecting computer-generated works without a human author. However, this provision has become the subject of policy debate. A public consultation in 2022 highlighted tensions between the need to foster innovation and the desire to uphold traditional authorship principles. Another public consultation in February 2025 contemplated the possibility of eliminating Section 9(3), among others because of lack of use. As of now, the UK maintains that ownership of computer-generated works is attributed to the person who undertakes the arrangements necessary for creation, but further legislative clarification may follow.

In sum, the global comparative picture is characterized by a broad consensus against recognizing AI as a legal author, but there is meaningful variation in how human input is evaluated, the thresholds applied to claim protection, and the openness to reform. While most jurisdictions grant protection only when human intellectual input can be demonstrated, China, Japan, and Ukraine provide more flexible or differentiated approaches that attempt to accommodate the hybrid nature of post-human creativity. These evolving models highlight the need for a balanced legal framework that protects human creators, supports innovation, and acknowledges the complex realities of AI-generated content.

| Conclusion

5. Conclusion

Public and private stakeholders are actively participating in the AI and copyright debate. At a global level, governments, IP offices and courts are confronted with cases concerning infringement of copyrighted material for AI training, and protectability of AI output.

Some jurisdictions have made and are making significant progress in developing and detailing their approaches to AI and copyright.

The approach to AI infringement varies considerably. Japan and Israel seem to favor a permissive approach to AI developers, recognising an expansive TDM exception. The US excludes the application of fair use for commercial purposes. The EU has a codified TDM exception, but the relevant Directive leaves some margin of discretion in relation to interpretation, for example concerning web scraping.

Regarding AI output, at a high level, similarities can be drawn between the countries under scrutiny here, for example in denying AI authorship. At the same time, the UK potentially recognises AI-generated outputs as computer generated-outputs, recognising authorship to the person who made the necessary arrangements. Other countries value the human interaction with the AI, accepting authorship of the resulting outcome. China, with a strong emphasis on the user, shows a permissive approach, while the US proves to be strict when detailing the exact amount of work that can be protected based on the evidence of the prompt, according to the Report 2 of the USCO.

Other (more specific) similarities can also be drawn; for example, similar national policies on AI lead to similar approaches to copyright. For example, Canada and the EU having a similar regulatory approach seem to favour transparency, which in turn creates a legal basis for copyright enforcement. On the other hand, Japan and Israel seem to favour a liberal approach in relation to AI and to avoid regulatory burden for AI companies.

In China, the existing framework strongly favors rights holders, and recent government initiatives have aimed to further tighten AI regulations, signaling a prioritisation of regulatory oversight and content control. By contrast, Singapore is currently reviewing its Copyright Act with the intent of fostering innovation and supporting the AI industry, illustrating a policy focus on economic growth through

technological development. The United Kingdom’s debate over amending the CDPA reveals a tension between protecting creators and enabling AI progress, as policymakers weigh reforms that might shift control away from rights holders to benefit AI developers.

While differences in approaches to AI and copyright are understandable and expected, given the different aspirations and legal traditions of each jurisdiction, some types of divergence could prove detrimental.

In particular, a fragmented international copyright framework—marked by divergent standards for AI authorship and infringement—poses growing challenges for AI developers operating globally. While some jurisdictions, such as the US, maintain a strict human authorship requirement and reject protection for fully autonomous AI outputs, others like Ukraine are experimenting with *sui generis rights* for non-human creations. Simultaneously, approaches to TDM for training AI models vary significantly: countries like Japan and Singapore provide generous exceptions, while the UK and EU adopt more conditional or opt-out-based models, and China enforces rigorous compliance and licensing obligations.

This regulatory misalignment introduces legal uncertainty, compliance burdens, and market fragmentation for AI providers whose systems are trained across datasets that have been sourced globally. From the perspective of creators and rights holders, this uncertainty can either undercut enforcement of legitimate rights—where protections are weaker—or obstruct fair participation in licensing regimes—where protections are overly rigid or unclear. For users and AI developers, the lack of legal consistency can prove to deter innovation by inhibiting cross-border collaboration and increasing transaction costs. As countries advance their respective frameworks for AI and copyright, it becomes essential for policymakers and stakeholders to use contextual insights to encourage regulatory collaboration, foster coordination, and pursue alignment where feasible and appropriate.

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A2. HIGH-LEVEL COMPARATIVE FRAMEWORK³

HIGH-LEVEL COMPARATIVE FRAMEWORK					
COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
Argentina	not specific AI-related copyright law	Intellectual property Act	POTENTIALLY YES – “Recommendations for Reliable Artificial Intelligence”. Under Art. 3.3.2, there is a generic reference to intellectual property, mentioning that – under an ethical perspective – to build a dataset the most cost-effective way is to use data from the internet, which however may also include materials protected under copyright law.	YES – Output assets in the AI process could be eventually protected under copyright law, once registered before the Copyright Office. However, it should be noted that the Copyright Office has not yet issued a specific criteria for the valid registration of works involving AI.	Not found
Australia	not specific AI-related law – Guidelines from non-governmental bodies, such as the Copyright Agency	Australian Copyright Act 1968	YES	AI-ASSISTED WORKS PROTECTABLE, AI-GENERATED WORKS NOT PROTECTABLE – sufficient human input required – lack sufficient protection for works created by AI. This deficiency arises due to the requirement of human personality for copyrightability, which is not fulfilled by AI-generated works. While such works may demonstrate the necessary originality, critics argue that they fail to exhibit the collective attributes of effort, knowledge, and intellect that contribute to the concept of originality	Not found
Brazil	not specific AI-related copyright law – Instituto Brasileiro de Direitos Autorais input for Proposed Brazil AI Act	Law No. 9.610 of February 19, 1998 (Law on Copyright and Neighboring Rights), Brazil + Proposed Brazil AI Act – (i) transparency and information on the use of protected works in AI system training (art. 60); (ii) copyright limitation for TDM for research purposes (art. 61); (iii) possibility of opt-out (art. 62); (iv) remuneration for copyright holders for use of their works in AI system development (art. 64);	YES unless obtained for non profit	NO IF FULLY AI-GENERATED – Lei dos Direitos Autorais (nº 9610/98), que reconhece a titularidade apenas de obras intelectuais, ou seja, com base no intelecto humano.	Not found

³ A PDF view of the full High-Level Comparative Framework can be found [here](#).

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
		and (v) protection of image and voice (art. 66).			
Canada	No but public consultation launched	Canada Copyright Act + Proposed AIDA		yes – but under public consultation: three potential legislative options to address the influx of uncertainty with regard to authorship of AI-generated works: Clarification that copyright extends only to human-created works; Attribute authorship and copyright protection to AI-generated works, but only to the person(s) that used the AI to arrange for the work to be created; or Implement a new and unique set of rights for AI-generated works.	Yes – Canadian Media Companies Sue OpenAI
Chile	Chile's proposed AI bill introduces an exception to the Chilean Copyright Law, allowing the use of large datasets for data mining, provided it doesn't result in direct commercial exploitation of copyrighted material.	Proposed AI bill + IP law	No if not for commercial purpose – but requires transparency		Not found

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
China			the Directive on Copyright in the Digital Single Market (CDSM) allows text and data mining (TDM) for research purposes but gives copyright holders the ability to exclude their works from this exception.	Shenzhen Tencent v Shanghai Yingxun, Footnote 44 where the Nanshan District People's Court had to determine whether AI-created works should be eligible for copyright protection. The court's ruling acknowledged that works produced by AI applications such as Dream Writer deserve copyright protection. However, it emphasized that the individual asserting authorship must fulfil the general requirement of intellectual creativity under Chinese law to claim authorship. – Gao Yang and Youku – articles created by AI tools developed by Tencent were copyright-protected works, although this judgment was made by a district court and not a guiding case of the Supreme People's Court (China);	Not found
European Union	No copyright law for AI BUT the AI Act provision relevance	Various Directives applicable – Copyright, DSA DSM	TDM exception debated	Infopaq standard	State-specific
France	No copyright law for AI BUT the AI Act provision relevance	Copyright directive implemented	European Union Directive 2019/790 dated 17 April 2019 implemented in France in Articles L. 122-5.10 and L. 122-5-3 of the French IP code (IPC). – applicable to training – AI tool installed on a user's device is trained offline by a user using legally obtained protected works, such training could also potentially fall within the scope of the private copy exception under French law (Article L. 122-5.2 of the French IPC).	In France, copyright protection is granted to works deemed “original”, which is defined as a work that reflects the “author's personality”. Traditionally, if there is no human personality involved in the creative process French copyright (droit d'auteur) does not apply, thereby nullifying potential action for copyright infringement. However, direct authorial execution is not mandatory under French law. French Courts have recognised copyright protection for works that are the result of	National Publishing Union, National Union of Authors and Composers, and Societe des Gens de Lettres against Meta. These trade groups allege that Meta uses their copyrighted content to train its AI models without their consent.

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
				instructions given by the author, which reflect the author's personality, even if the work was computer-generated.	
Germany	No copyright law for AI BUT the AI Act provision relevance	Copyright directive implemented	no copyright infringement	The output from AI is not inherently copyrighted. German and European copyright laws uphold the principle that a human must be the creator of a specific work (see also CJEU's judgement dated of 12 September 2019, case C-683/17 – Cofemel).	GEMA in Germany has initiated an infringement lawsuit against OpenAI – plus Robert Kneschke vs. LAION e.V. on machine-readable
India	No	not that Indian Copyright laws can apply to works realized with the assistance of AI. Even in this case, it should be scrutinized the human involvement in the processing	Yes	copyright law attributes authorship for computer-generated literary, dramatic, or artistic works to the person who undertakes the necessary arrangements for their creation. However, it is important to note that the human author is still considered the driving force behind the scenes, even though AI may have played a significant role in the creative process. ^{Footnote46} India's 1957 Copyright Act ^{Footnote47} does not explicitly define “author” for artistic and literary works. However, section 2(d) of the Act provides a comprehensive understanding of the term. According to the Act, the “author” of a literary or dramatic work refers to the person who created the work, while for a musical work, it refers to the composer. In the case of an artistic work other than a photograph, the “author” is considered to be the artist.	Asian News International (“ANI”), commenced legal action against OpenAI on November 18, 2024. ANI alleges that: (i) OpenAI violated copyright laws by using ANI's content to train its AI models without consent, and (ii) OpenAI's models generate false information and hallucinations that could be incorrectly attributed to ANI.
Israel			According to the Israeli Ministry of Justice, the use of copyrighted content to train a machine-learning tool is likely to be permissible as ‘fair use’ under copyright law and will likely not constitute copyright infringement.	pure AI-generated content cannot receive protection – Thaler v. Perlmutter	Not found

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
Japan	the Japan Agency for Cultural Affairs (ACA) released its draft "Approach to AI and Copyright" for public comment,	Japan Copyright Act	Japan's TDM exception is worded broadly enough to apply to the training of generative AI. Article 30-4(ii) of the Japan Copyright Act permits uses of works "in data analysis (meaning the extraction, comparison, classification, or other statistical analysis of the constituent language, sounds, images, or other elemental data from a large number of works or a large volume of other such data...)." embraced Article 30-4 allowing the ingestion and analysis of copyrighted materials for AI learning to promote creative innovations in AI. It removes the need of acquiring consent from copyright holders, as long as it would not have a "material impact on the relevant markets" and that the AI usage does not "violate the interests of the copyright holders."	Japan's Copyright Act, Article 2(1), a copyright-protected work is defined as a creation expressing "human thoughts and emotions." Thus, it appears difficult for AI to become the author of its own creations under the current law. However, the committee explored that a joint work, with human input and AI generated content, may be eligible for copyright protection as a whole, based on certain factors. These include:	Not found
New Zealand	No	In New Zealand a Public Service AI Framework has been adopted. Such policy recognize that copyright is a key area within the wider policy context. Also, in New Zealand there is the Artificial Intelligence Use Policy, which provides guidelines for the responsible and trustworthy use of AI in Toitū Te Whenua. This policy expressly mentions transparency is required when using AI, and this include copyright acknowledgements and references	It seems that the use of copyrighted material for training purposes can lead to copyright infringement.	The amount and content of the instructions and input prompts by the AI user	Not found

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
Russia	NO	1. The National Strategy for AI Development until 2030; 2. The Strategy for the Development of the Information Society in the Russian Federation for 2017–2030; 3. The Concept for the Development of Regulation of Artificial Intelligence and Robotics Technologies until 2024; and 4. Federal projects “Artificial Intelligence” and “Regulatory Framework for the Digital Environment” under the National “Digital Economy” Programme. These documents, however, only reflect the strategic goals for AI development in Russia. In 2020, laws were adopted to create conditions for AI development in Russia. The main one focuses on creating experimental legal regimes (ELRs), or regulatory sandboxes – a tool allowing the implementation of innovations in test mode	Based on an assessment of quantitative and qualitative elements, training may constitute copyright infringement.[1]	The number of generation attempts, modifying the output for a desired result by the AI user	Court recognizes deepfake video as subject to copyright law.

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
Singapore	In 2021, Singapore adopted a copyright reform introducing a computational data analytics (CDA) exception. Said exception allows, subject to certain conditions, the use of copyrighted material for machine learning	In 2019, the Smart Nation and Digital Government Office and the National AI Office adopted the first National AI Strategy of Singapore. The AI Strategy stresses the relevance to develop a strong intellectual property strategy and states that, to support companies, the Intellectual Property Office of Singapore has launched an agreement to provide them with customized AI solutions and programs.	It seems that the use of copyrighted material for training purposes can be justified under the CDA exception (if the requirements for its applicability occur).	The AI user selecting the work from multiple generated works	B2C2 Ltd v Quoine Pte Ltd. ^{Footnote 51} The Singapore International Commercial Court was tasked with addressing issues pertaining to AI in the context of cryptocurrency. The central question at hand was how legal principles should be applied to a cryptocurrency transaction that was entirely executed through AI algorithms.
Slovenia	Copyright law – TDM directive application	TDM and EU Commission	Text and data mining Article 57a (1) For the purposes of text and data mining, the reproduction of lawfully accessed works shall be free. Text and data mining shall mean any automated analytical technique aimed at analysing text and data in electronic form to generate information such as patterns, trends and correlations, including the digitisation of analogue content and remote access to such content where this is necessary for the purposes of text and data mining.	The subsequent human modifications to the AI generated work	not found
South Africa	No	the South African National AI Policy Plan, then followed by the related South African National AI Policy Framework	[1] https://law.asia/russia-ai-regulations-legal-framework-ethics/	[1] https://cyberleninka.ru/article/n/rights-to-intellectual-works-generated-with-artificial-intelligence-a-russian-view-in-the-global-context/viewer	Not found

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
South Korea	No	Ministry of Science and ICT adopted in 2020 the National Strategy for AI. In said document there is the following question: "Whether or not granting status of copyright holder and inventor to AI for its creation and invention, etc., and granting method and scope, etc."		Works completely generated by AI (with no human intervention) cannot be protected and this is confirmed by a declaration ^[1] in which the South Korea's Ministry of Culture, Sports and Tourism stated that AI created content will not be granted copyright registration.	
Turkey	There is currently not specific AI-related copyright law in Turkey.	Turkey adopted its National Artificial Intelligence Strategy in 2021. ^[1] https://wp.oecd.ai/app/uploads/2021/12/Turkey_National_Artificial_Intelligence_Strategy_2021-2025.pdf	Yes	yes if human intervention	Not found
Ukraine	Proposed legislation and sui generis rights - 25 years	Copyright law + proposed sui generis rights	narrower TDM exception, permitting the making of copies "from a legitimate source for the purpose of searching for text and data included in or related to scientific publications for research purposes." Article 22(2)(14) of the Ukraine Copyright Law appears to permit only the assembly of a corpus for the purpose of searching for information, not the sort of computational analysis necessary for training AI. Further, the corpus could contain only scientific publications. Like Article 4 of the EU DSM Directive, "this provision shall apply if the use of works has not been expressly prohibited by copyright holders in an appropriate manner, in particular, by computer-readable means from digital content available on the Internet."	Yes - sui generis right - A non-original object generated by a computer program is an object that differs from existing similar objects and is formed as a result of the functioning of a computer program without the direct participation of an individual in the formation of this object. Works created by individuals using computer technologies are not considered non-original objects generated by a computer program.	Not found
United Kingdom	No but public consultation launched	CDPA - S. 9.3	public consultation - option of opt-out	Section 9.3 applicability? Other proposals in the public consultation	Getty Images

HIGH-LEVEL COMPARATIVE FRAMEWORK

COUNTRY	AI-RELATED COPYRIGHT LAW	APPLICABLE LEGAL FRAMEWORK	USE OF COPYRIGHTED MATERIAL IN AI TRAINING: INFRINGEMENT?	AI-GENERATED WORKS: COPYRIGHTABLE?	ANY AI-RELATED LAWSUIT IN RELATION TO COPYRIGHT?
United States	No – guidelines from USCO	Copyright law + AI vision (executive order)	Fair use? Under debate. While some publishers have decided to take AI companies to court, a few big media groups have struck licensing deals with companies such as Perplexity or OpenAI. – Authors Guild, Inc. v. HathiTrust, 755 F.3d 87 (2d Cir. 2014), and Authors Guild v. Google, Inc., 804 F.3d 202 (2d Cir. 2015).[8]The scope of the section 1201 exemptions is somewhat broader than the scope of Article 3 of the EU DSM Directive in that the section 1201 exemptions applies to “scholarly research and teaching,” while Article 3 applies only to scientific research. The section 1201 exemptions would apply to the training of generative AI models only when the researcher could show that she was performing the activity for the purpose of scholarly research or teaching.	https://www.koreatimes.co.kr/business/tech-science/20231227/govt-to-exclude-ai-content-from-copyright-protection	Yes: https://www.wired.com/story/ai-copyright-case-tracker/

A3. AI INFRINGEMENT

COUNTRY	Legal reference	Position on Copyright and AI Training	Additional comments
Canada	Currently lacks a specific TDM exception.	Under consultation. Stakeholders express divided opinions.	Concerns raised about indigenous content and authorial consent.
Chile	Currently lacks a specific TDM exception (Bill pending).	Using protected works for AI training may constitute infringement, particularly of reproduction rights.	
China	No statutory exception.	No specific provision on TDM or the use of protected works for AI training purposes. Providers must ensure training data is lawfully obtained and their training data do not infringe IP rights.	
European Union	Text and Data Mining (TDM) exceptions under Articles 3 and 4 of the CDSM Directive allow AI training for research and commercial purposes. Rightsholders may opt out of commercial TDM. Member States implement this variably.	Legal certainty but open issues at EU and national levels remain to be clarified. Also, legislation remains in flux.	
Israel	Currently lacks a specific TDM exception.	Israeli Ministry of Justice issued a non-binding legal opinion stating that the use of copyrighted materials to train machine learning models generally falls under the fair use doctrine so long as it is not intended to compete directly with a single author using their own style or works.	
Japan	Broad exception permits use of copyrighted materials for data analysis, including commercial uses. There is no opt-out for rightsholders, making Japan framework more permissive.	Explicitly permits AI training, provided the output is not directly consumed by humans for enjoyment.	
Singapore	Computational Data Analysis (CDA) exception + fair use.	Applicability of CDA exception to commercial AI training remains uncertain.	
South Korea	Currently lacks a specific TDM exception (Bill pending) + fair use.	Whether the use of copyrighted material for AI training constitutes infringement remains a debated issue.	
Ukraine	Narrow TDM exception.	TDM exception allows copying only from legitimate sources for purposes of searching within scientific publications for research, not for broader computational analysis such as AI training.	
United Kingdom	TDM exception exists for non-commercial research.	No general exception for commercial AI training. A controversial proposal to broaden exceptions was withdrawn following backlash from creators.	
United States	No definitive legal consensus.	Fair use doctrine should apply on a case-by-case basis. Factors include whether the use is transformative, purpose (commercial or research), (qualitative and quantitative) amount used, market harm, and whether data was lawfully accessed. Voluntary and statutory licensing options are discussed.	Lawsuits are ongoing.

A4. AI APPROACHES TO AUTHORSHIP AND OWNERSHIP

COUNTRY	Approach to Copyrightability	AD HOC FRAMEWORK FOR AI-GENERATED WORKS?	RECOGNISES AI AUTHORSHIP ?	PROTECTS AI-GENERATED WORKS?	REQUIRES A THRESHOLD RELATED TO HUMAN?	ASSIGNS OWNERSHIP OF AI-GENERATED WORKS?	ARE (WERE) THERE APPLICATION/CASES REGARDING COPYRIGHT PROTECTION FOR AI-GENERATED WORKS?
Canada	Only natural persons can be authors; under debate; consultation held with concerns and opportunities noted, including in relation to indigenous communities	NO	NO	YES	YES	YES	NO
Chile	Registration of a photograph generated with Midjourney was denied; no protection granted	NO	NO	YES	YES	YES	NO
China	Recognised rights in AI-generated works; emphasizes human involvement; protects user input; confirmed by case law for texts and images	YES	NO	YES	YES	YES	YES
France	Strong moral rights tradition; proposed bill to regulate AI and copyright	NO	NO	YES	YES	YES	NO
Germany	Only natural persons can be authors	NO	NO	YES	YES	YES	NO
Israel	Undecided; patent law requires human inventors (DABUS case); may follow US approach	NO	NO	YES	YES	YES	NO
Japan	Detailed analysis of human input including prompts, number of attempts, selection of output, and post-generation modifications	NO	NO	YES	YES	YES	NO
Singapore	Only natural persons should be authors	NO	NO	YES	YES	YES	NO
Slovenia	Protection granted to human modifications of AI-generated works	NO	NO	YES	YES	YES	NO
South Korea	Only human-assisted works are protected; AI-only content not granted copyright registration (confirmed by government declaration)	NO	NO	YES	YES	YES	NO
Ukraine	Sui generis rights for non-original AI-generated content; human-created works with technology are protected under general copyright	YES	NO	YES	YES	YES	YES
United Kingdom	Depends; public consultation about Section 9.3 of CDPA for computer-generated works	YES	NO	YES	YES	YES	YES
United States	Depends on human involvement; no protection for fully AI-generated works; human-assisted works protected based on specific input-output relationship	YES	NO	YES	YES	YES	YES



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